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Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Cr. R. No. 191 /2006

APPLICANT : Soumya Jeet Choudhary S/o- Ranjeet Choudhary, aged about 37 years, R/o- M.I.G.-579 Padmnabhpur, District- Durg (C.G.)

VERSUS

NON-APPLICANT : Pritha @ Mahima aged about 8 years D/o- Soumya Jeet Choudhary,
Through her mother Reeta Choudhary, R/o- M.I.G. 11/70, Hudco, Bhilai, District- Durg (C.G.)

1349/06
Filed on 23/3/06
by Shri S.Lal Sahu
23/3/06
R. to D.R. (J)

CRIMINAL REVISION UNDER SECTION 19 (4) OF THE FAMILY COURT ACT.

XI-HC-78

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... Cr.Rev. No. 191/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21-07-2006 Smt. Somshukla Sarkar, learned counsel for the applicant. Shri C.R.Sahu, learned counsel for the non-applicant. Learned counsel for the applicant does not press on M.Cr.P.No.598/2006 for grant of stay which is accordingly dismissed as not pressed. Learned counsel for the rival parties pray that this revision may be heard finally today at the stage of admission. This revision is finally heard today at the stage of admission. Learned counsel for the applicant at the very outset submitted that she would assail the impugned order dated 21-02-2006 passed by the First Additional Principal Judge, Family Court, Durg in M.J.C.No.500/2005 on the ground that the amount of Rs.2,500/- awarded as maintenance to the non-applicant, a girl aged 8 years was highly excessive in view of the evidence about the earnings of the applicant as adduced before the Family Court, Durg. Arguments were heard on the sole question whether the amount of maintenance awarded by the Family Court was excessive. Learned counsel for the non-applicant admitted that no documentary evidence was adduced before the trial Court relating to the monthly earnings of the applicant Somyajit Choudhary. It is not disputed that the non-applicant Pritha was studying in English Medium School at Shankara Vidyalaya, Sector-10, Bhilai Nagar. Para-7 of the	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.Rev.No.191/ **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

impugned order reveals that the statement on oath of the applicant revealed that his monthly income was not more than Rs.4,000/- and his parents were also dependent upon him.

Considering the facts and circumstances of the case, the amount of Rs.2,500/- awarded by the Family Court, Durg as maintenance to the non-applicant, a child aged 8 years appears to be on the higher side. In my considered opinion, it would be just and proper to reduce the amount of maintenance to Rs.1,500/- per month.

In the result, this revision is allowed. The impugned order dated 21-02-2006 passed by the First Additional Principal Judge, Family Court, Durg in M.J.C.No.500/2005 stands modified accordingly. The applicant herein shall pay Rs.1,500/- per month as maintenance to the non-applicant herein from the date of order of the Family Court, Durg.

Sd/-
Dilip Raosaheb Deshmukh
Judge

3.8.06